

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

KENNETH WONG, BOOKER TYLER JOHNSON,  
REGINA JACKSON, individually, and on behalf of  
all others similarly situated who consent to their  
inclusion,

Plaintiffs,

v.

NOVARTIS PHARMACEUTICALS  
CORPORATION, NOVARTIS CORPORATION,  
NOVARTIS SERVICES INC., and NOVARTIS  
FINANCE CORPORATION

Defendants.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 4-16-12

ECF CASE  
Case No.: 11-civ-4749 (PAC)

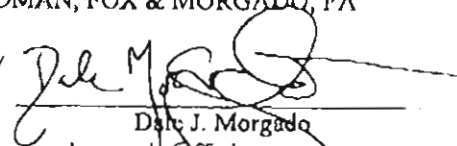
**STIPULATION AND ORDER OF DISMISSAL WITH PREJUDICE**

IT IS HEREBY STIPULATED AND AGREED by and between the  
undersigned attorneys of record for the parties to the above-captioned action, pursuant to  
Fed. R. Civ. P. 41(a)(1)(A)(ii) and the Fair Labor Standards Act, 29 U.S.C. § 201 et seq.  
(1938), that the complaint in the above-captioned action be dismissed with prejudice and  
without costs to any party as against the other. This stipulation may be filed without  
further notice.

April 13, 2012

FELDMAN, FOX & MORGADO, PA

by


  
Dale J. Morgado  
dmorgado@fmlawgroup.com

100 No. Biscayne Blvd.  
29th Floor, Suit 2902  
Miami, FL 33132  
(305) 384-4676

Attorneys for Plaintiffs

CRAVATH, SWAINE & MOORE LLP

by

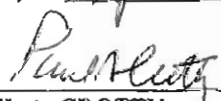
  
Evan R. Chesler  
Darin P. McAtee  
echesler@cravath.com

Worldwide Plaza  
825 Eighth Avenue  
New York, NY 10019  
(212) 474-1000

Attorneys for Defendants

SO ORDERED,

this 16th day of April, 2012:

  
\_\_\_\_\_  
HON. PAUL A. CROTTY  
U.S.D.J.

# CRAVATH, SWAINE & MOORE LLP

WORLDWIDE PLAZA  
825 EIGHTH AVENUE  
NEW YORK, NY 10019-7475

TELEPHONE: (212) 474-1000  
FACSIMILE: (212) 474-3700

CITYPOINT  
ONE HOPENADER STREET  
LONDON EC2Y 9HH  
TELEPHONE 44-20-7483 1000  
FACSIMILE 44-20-7840 1100

WRITER'S DIRECT DIAL NUMBER

(212) 474-1243

MICHAELA PARKIN  
ANDREW J. FITZ  
MICHAEL T. REYNOLDS  
ANTHONY L. RYAN  
GEORGE K. ZOBITZ  
GEORGE A. STEPHANAKIS  
DARIN F. MCATEE  
DARYL A. BORNSTEIN  
TIMOTHY G. CARMON  
KARIN A. DEMASI  
LIZABETHANN K. EISEN  
DAVID B. FINKELSTEIN  
DAVID GREENWALD  
MICHAEL D. SKALDIB  
PAUL H. ZUMARO  
JOEL P. HEROLD  
ERIC W. WILFERS  
GEORGE F. SCHOEN  
EMIL R. TAVEL  
CHRISTOPHER F. ARCELLA  
TEENA-ANN V. BANARJEE  
ANDREW K. THOMPSON  
DAMIAN R. ZOUER  
LAUREN ANGELO

TATIANA LAPURKHIN  
ERIC L. SCHIELE  
ALISA A. CAPLES  
JENNIFER S. CONWAY  
MINN VAN NGU  
KEVIN J. ORSINI  
MATTHEW NORMAN  
J. WESLEY KARNHARDT  
YONATAN EVEN  
BENJAMIN GRUENSTEIN  
JOSEPH D. ZAVADIA

SPECIAL COUNSEL  
BARBARA C. BUTLER  
GEORGE J. DILLERPIE, III

OF COUNSEL  
FRANK C. BAUMANN

STUART W. GOLD  
JOHN W. WHITE  
EVAN R. CHESTER  
MICHAEL L. BECKER  
MICHAEL LEVIN  
ANIS F. WEINZELMAN  
B. ROBBINS KIESSLING  
ROGER D. TURNER  
PHILIP A. GELSTON  
ROBERT O. HILSON  
RICHARD W. CLARY  
WILLIAM F. ROGERS, JR.  
JAMES O. COOPER  
STEPHEN L. GORDON  
DANIEL L. HOBLEY  
PETER B. WILSON  
JAMES C. VANDERKIL, III  
ROBERT M. BARON  
KEVIN J. ORSKAN  
STEPHEN B. MADSEN  
MARK S. ROSENBERG  
SUSAN WEBSTER  
DAVID MERCADO

ROWAN D. WILSON  
CHRISTINE A. VARNY  
PETER Y. BARBER  
SANDRA C. GOLDBERG  
THOMAS G. RAFFERTY  
MICHAEL S. GOLDMAN  
RICHARD HALL  
JULIE A. NORTH  
ANDREW W. NEEDHAM  
STEPHEN L. BURNS  
KEITH R. HUMMEL  
DANIEL BLUPHIN  
ROBERT J. TOWNSEND, III  
WILLIAM J. WHELAN, III  
SCOTT A. BARRETT  
PHILIP J. BOCKMAN  
ROGER G. BROOKS  
WILLIAM V. FORD  
FAIZAJ SAEED  
RICHARD J. STARK  
THOMAS E. DUNN  
MARK I. GREENE  
MARK J. JEREMIAN  
DAVID R. MARSHALL

April 13, 2012

Wong, et al. v. Novartis Pharmaceuticals Corporation, et al.  
11-cv-4749 (PAC)

Dear Judge Crotty:

Pursuant to Rule 1 of Your Honor's Individual Practices, the parties write to report on the status of this matter. Plaintiffs filed a Collective Action Complaint on July 11, 2011 alleging violations of the Fair Labor Standards Act ("FLSA"). Novartis Pharmaceuticals Corporation ("NPC") subsequently moved to transfer venue to the District of New Jersey or, alternatively, the Southern District of Florida. That motion is currently pending before Your Honor. (See Dkt. Nos. 9-18.)

In January 2012, the NPC reached a settlement in the matter of In re Novartis Wage and Hour Litigation, 06-MD-1794 (PAC), a related case also pending before Your Honor. The class and collective action settlement was preliminarily approved on January 25, 2012, and pursuant to the Preliminary Approval Order, the deadline for collective action plaintiffs whose claims against NPC arise under the FLSA to opt in to the settlement is Monday, April 16, 2012. (See Dkt. No. 146.) Each of the three Named Plaintiffs in Wong, et al. v. NPC, et al. is among that group of collective action plaintiffs and is eligible to be a member of the FLSA Settlement Sub-Class II in the In re Novartis Wage and Hour Litigation settlement. Each has agreed to opt in to that settlement by timely submitting an Opt-In and Release Form to the Claims Administrator, and to dismiss the Wong case with prejudice in order fully and finally to resolve all of their pending wage and hour claims against NPC. To defray attorneys' fees and costs, NPC has agreed to pay \$10,000 to Dale Morgado, counsel for Plaintiffs, in the event that the Wong case is dismissed with prejudice.

In light of the foregoing, the parties respectfully request that the Court order the dismissal with prejudice of Wong, et al. v. Novartis Pharmaceuticals Corporation, et al. (11-cv-4749). A proposed Stipulation and Order of Dismissal with

Prejudice is attached hereto. Counsel for Plaintiffs has reviewed this letter and agrees with its content.

Respectfully submitted,



Evan R. Chesler

Hon. Paul A. Crotty  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

VIA FACSIMILE

Encl.

Copy to:

Dale J. Morgado, Esq.  
Feldman Fox & Morgado, P.A.  
100 North Biscayne Boulevard  
29th Floor, Suite 2902  
Miami, FL 33132

VIA EMAIL